

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6225 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

GUJ STATE ROAD TRANSPORT CORPN

Versus

H V SHAIKH

Appearance:

MR SM MAZGAONKAR for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/02/98

ORAL JUDGEMENT

1. Heard the learned counsel for the petitioner and perused the award impugned in this special civil application.

2. Under the impugned award, the Labour Court, Surat accepted the reference of the respondent partly and the petitioner was directed to reinstate the respondent-workman with continuity of service and the

penalty of dismissal of the respondent-workman from service was substituted by the penalty of withholding of one yearly grade increment with permanent effect. The respondent-workman has not been awarded the backwages as he had voluntarily forgone the backwages.

3. This special civil application has been admitted but the interim relief has not been granted. The special civil application has been filed on 10-11-1986 but the petitioner has not taken care to get it listed for admission and from the record of the special civil application it transpires that for the first time the matter has come up for admission on 10th January, 1991. So the petitioner has also not taken the matter to be serious.

4. Having gone through the award impugned in this special civil application, I am satisfied that the Labour Court has not committed any error in passing of the award, which calls for interference of this Court sitting under Article 227 of the Constitution. The view, which has been taken by the Labour Court in the present case could have been taken on the basis of the set of evidence, which has come on record. The Labour has considered it to be case of excessive punishment and it has interfered with the punishment to which no exception can be taken. The respondent-workman though is a driver of the Corporation but on the fateful day he was travelling in the bus of the Corporation as passenger.

5. Taking into consideration the totality of the facts of this case, I do not find any ground to interfere in the matter.

6. In the result, this special civil application fails and the same is dismissed. Rule discharged.

zgs/-